

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re: :
UNITED STATES OF AMERICA, : Docket #1:18-cr-00212-
 : RWS-1
 :
Plaintiff, :
 :
- against - :
 :
WOOLASTON, et al., : New York, New York
 : March 12, 2018
Defendants. :
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PROCEEDINGS BEFORE
THE HONORABLE SARAH NETBURN,
UNITED STATES DISTRICT COURT MAGISTRATE JUDGE

APPEARANCES:

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Proceedings recorded by electronic sound recording;
Transcript produced by transcription service

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<u>Witness</u>	<u>Direct</u>	<u>Cross</u>	<u>Re- Direct</u>	<u>Re- Cross</u>
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None

E X H I B I T S

<u>Exhibit Number</u>	<u>Description</u>	<u>ID</u>	<u>In</u>	<u>Voir Dire</u>
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None

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2 THE CLERK: The matter of United States v. Tyrone
3 Woolaston. Counsel, please state your names for the
4 record.

5 MS. ALISON MOE: Good morning, your Honor. Alison
6 Moe for the government.

7 THE HONORABLE SARAH NETBURN (THE COURT): Good
8 morning.

9 MR. ERIC FEINBERG: Eric Feinberg of the Anthony
10 Pope Law Firm for Tyrone Woolaston, who's present. Good
11 morning, your Honor.

12 THE COURT: Good morning. Please be seated.
13 Good morning, Mr. Woolaston.

14 MR. TYRONE WOOLASTON (THE DEFENDANT): Good
15 morning, ma'am.

16 THE COURT: My name is Judge Netburn. Let me
17 begin with the (indiscernible). I have here,
18 Mr. Feinberg, supporting documents. I understand you're
19 in the process of getting your original certificate --

20 MR. FEINBERG: Yes, your Honor. It will take
21 about two weeks to come in the mail.

22 THE COURT: Okay. And have you submitted a
23 (indiscernible)?

24 MR. FEINBERG: All the paperwork was sent once,
25 and it was signed, and ECF will submit payment.

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THE COURT: I think it goes the other way around. All right, well, I'm going to approve your order for you to be admitted *pro hac vice*. But I want you to go -- typically the Court (indiscernible) so you should go to find out if you're going to have to pay that now with the clerk downstairs. Okay?

Okay. Mr. Woolaston, you've been charged in an information received by the United States Attorney. Under the Constitution you have the right to be charged -- I'm sorry -- can you hear me?

(Judge's microphone turned on.)

THE COURT: Under the Constitution you have the right to be charged by an indictment issued by a grand jury instead of by an information like this. A grand jury is a group of 23 ordinary citizens that are called to jury service to hear the government's evidence in criminal cases and decide whether the evidence is sufficient to justify bringing you to trial. In order to return an indictment, at least 12 of the grand jurors must vote for the indictment, finding that there is probable cause to believe that the crime for which you are being charged has been committed and that you committed it. You have the right to have these charges considered by the grand jury, which means that, without your consent, these charges

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2 could not even be brought unless the grand jury approved
3 them. But if you waive indictment by the grand jury, the
4 case will proceed against you based on the United States
5 Attorney's information just as if you had been indicted.
6 Do you understand that?

7 THE DEFENDANT: Yes, ma'am.

8 THE COURT: Are you sure? You look at little
9 puzzled.

10 THE DEFENDANT: Yes, ma'am.

11 THE COURT: Okay. There's two different ways you
12 can be charged. You can be charged either by an
13 indictment or by an information. In order to be charged
14 by an indictment, the grand jury needs to hear the
15 evidence that the government brings --

16 THE DEFENDANT: I'm sorry, yes, ma'am.

17 THE COURT: Thank you. The grand jury needs to
18 hear evidence that's brought by the government and
19 consider whether or not to issue an indictment. The other
20 way that you can be charged is based on something called
21 an information, and I understand that you intend to waive
22 your right to have your case considered by the grand jury
23 and agree to be charged by an information. But you have
24 the right, under the Constitution, to have your case
25 considered by the grand jury and have the grand jury, if

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2 they so find, issue the indictment. But if you waive that

3 right, then the charges can proceed against you based on

4 the information. Do you understand all of that?

5 THE DEFENDANT: I do, ma'am.

6 THE COURT: Do you want a minute to talk to your

7 attorney?

8 THE DEFENDANT: Just one.

9 THE COURT: Okay.

10 (Pause in proceeding)

11 THE COURT: Are you ready, sir?

12 THE DEFENDANT: Yes, ma'am.

13 THE COURT: A few moments ago you were shown a

14 copy of the Waiver of Indictment form that you signed. Did

15 you review this form with your attorney before you signed

16 it?

17 THE DEFENDANT: Yes, ma'am.

18 THE COURT: And do you understand that by signing

19 this form you are giving up your right to have your case

20 presented to the grand jury and that you are agreeing

21 instead to allow the charges to be filed by the United

22 States Attorney. Do you understand that?

23 THE DEFENDANT: Yes, ma'am.

24 THE COURT: Have you discussed with your attorney

25 the advantages and disadvantages of waiving indictment?

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THE DEFENDANT: Yes, ma'am.

THE COURT: Have any threats or promises been made to get you to waive indictment?

THE DEFENDANT: No, ma'am.

THE COURT: Do you wish to give up your right to be charged by a grand jury?

THE DEFENDANT: Yes, ma'am.

THE COURT: I can see that you're hesitating, sir.

THE DEFENDANT: Yes, ma'am.

THE COURT: Are you sure you're prepared for this?

THE DEFENDANT: Yes, ma'am.

THE COURT: Are you sure?

THE DEFENDANT: Yes, ma'am.

THE COURT: Do you want another minute or two to speak with your lawyer?

THE DEFENDANT: No, ma'am.

THE COURT: No. Okay. So you are agreeing to proceed with the charges brought against you in this information, is that correct?

THE DEFENDANT: Yes, ma'am.

THE COURT: And do you understand that doing this means that you're giving up your right to have the charges first considered by the grand jury; do you understand that?

THE DEFENDANT: Yes, ma'am.

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THE COURT: Okay. Sir, the charge against you that is brought in this information is a two-count charge. You're charged in Count 1 of the information with narcotics conspiracy. It charges that you engaged in a conspiracy to distribute and possess with intent to distribute a controlled substance in violation of Title 21 of the United States Code, §841(a)(1) and that you conspired to distribute and possess with intent to distribute five kilograms or more of cocaine. Count 2 charges you with use of a firearm in furtherance of that narcotics conspiracy, and that's in violation of Title 18 of the United States Code, §924(c)(1)(A)(i). And, in addition, there's as forfeiture allegation attached to the information. Have you received a copy of this information, sir?

THE DEFENDANT: Yes, ma'am.

THE COURT: Have you reviewed it and discussed it with your lawyer?

THE DEFENDANT: Yes, ma'am.

THE COURT: Would you like me to read it to you in full in open court?

THE DEFENDANT: No, ma'am.

THE COURT: And how do you plead to the charges?

THE DEFENDANT: Not guilty, ma'am.

THE COURT: Okay. Thank you, sir.

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Anything further from either side?

MS. MOE: Yes, your Honor. Judge Sweet has tentatively scheduled a conference for March 22 for an initial conference in this matter. We're just confirming with scheduling. And the government would respectfully request that the Court exclude time between today's date and March 22. The parties continue discussing a potential resolution of this matter.

THE COURT: Any objection?

MR. FEINBERG: No, your Honor.

THE COURT: All right, thank you very much, everybody.

MS. MOE: Thank you, your Honor.

MR. FEINBERG: Thank you, your Honor.

(Whereupon, the matter is adjourned.)

C E R T I F I C A T E

I, Carole Ludwig, certify that the foregoing transcript of proceedings in the case of United States of America v. Woolaston, et al, Docket #18-cr-00212, was prepared using digital transcription software and is a true and accurate record of the proceedings.

Signature Carole Ludwig

Carole Ludwig

Date: August 21, 2018